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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,078	07/10/2001	Rebecca Lynn Siegel	47004.000089	7083
21967	7590	10/19/2005		
HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			EXAMINER KARMIS, STEFANOS	
			ART UNIT 3624	PAPER NUMBER

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/901,078

Applicant(s)

SIEGEL ET AL.

Examiner

Stefano Karmis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 39-47, 49-66 and 68-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-47, 49-66 and 68-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/2/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following communication is in response to Applicant's amendment filed 04 August 2005.

#### ***Status of Claims***

2. Claims 39-47, 49-66 and 68-86 are previously presented. Claims 48 and 67 are previously cancelled. Therefore claims 39-47-, 49-66 and 68-86 are currently pending.

#### ***Response to Arguments***

3. Applicant's arguments filed 04 August 2005 are moot in view of the new grounds of rejection. Therefore claims 39-47-, 49-66 and 68-86 remain rejected and Applicant's request for allowance is respectfully declined.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 39-47, 49-66 and 68-86 rejected under 35 U.S.C. 103(a) as being unpatentable over Keyes et al. (hereinafter Keyes) U.S. Patent 6,456,983 in view of Culane U.S. Patent 6,513,018 in further view of Land et al. (hereinafter Land) U.S. Patent 6,807,533.

Claims 39-47, 49-66 and 68-86 rejected under 35 U.S.C. 103(a) as being unpatentable over Keyes et al. (hereinafter Keyes) U.S. Patent 6,456,983 in view of Land et al. (hereinafter Land) U.S. Patent 6,807,533 as stated in the previous office action. Regarding claim 39, Applicant asserts that the prior art fails to teach, "generating an account metric based on the step of comparing the baseline status to the updated status, the account metric including a weighting according to at least a change in the level of delinquency of the account." The Examiner respectfully disagrees. Keyes teaches generating an account metric such as a "score" or "number" (column 5, lines 61-63). The account metric includes a weighting since the "score" or "number" is calculated based on

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statistical analysis and probabilities (column 5, lines 65-67 and column 6, lines 14-36). The weighing score or number is determined according to conditions such as expected payment along with considerations of the outstanding balance of the delinquent account, lapse of time from last payment and other relevant factors (column 5, line 57 thru column 6, line 3). Keyes teaches that the collection agency and issuer receive a percentage of the payment received (column 2, lines 34-44). Also, Culhane teaches assigning a performance score based on account characteristics (column 1, line 64 thru column 2, line 34 and column 4, lines 16-30). Culhane teaches analyzing current and previous delinquency levels (column 5, lines 5-33). Therefore the Examiner believes Keyes and Culhane teach the limitation of “generating an account metric based on the step of comparing the baseline status to the updated status, the account metric including a weighting according to at least a change in the level of delinquency of the account.”

Continuing, Applicant asserts that Land fails to teach assigning a core to an account agent based on an account metric.” Land teaches that an agent’s incentive are the percentages received (column 11, lines 45-60) based on the movement of the account through “buckets” (column 10, lines 8-24). Therefore the agent is receiving a score (percentage) based on the account metric of expected repayment. It would have been obvious to one of ordinary skill in the art at the time of the Applicant’s invention to combine the teachings of Keyes, Culhane and Land because it provides an obvious expedient to use the scoring teachings of Keyes and Culhane along with the percentage incentives taught by Keyes and Land to increase collection on unpaid debts. Therefore claim 39 stands rejected as stated above and Applicant’s request for allowance is respectfully declined.

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Claims 58, 77 and 82 contain similar limitations as described above and are therefore rejected with the same reasoning. Any remaining claims stand rejected base upon their dependency or as state in the previous office action, mailed 05 May 2005.

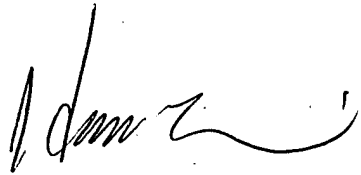
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted  
Stefano Karmis  
17 October 2005

  
**HANI M. KAZIMI**  
**PRIMARY EXAMINER**